

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA : INDICTMENT  
:  
- v. - : 21 Cr. 440  
:  
ALICIA AYERS, and :  
ANDREA AYERS :  
:  
Defendants. :  
X  
- - - - -

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least on or about June 22, 2020 up to and including at least on or about July 9, 2020, in the Southern District of New York and elsewhere, ALICIA AYERS and ANDREA AYERS, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that ALICIA AYERS and ANDREA AYERS, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause

to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, ALICIA AYERS and ANDREA AYERS agreed to obtain funds from the U.S. Small Business Administration ("SBA") through the SBA's Economic Injury Disaster Loan ("EIDL") Program, by means of false and fraudulent pretenses, representations, and documents, including through electronic communications transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**

**(Wire Fraud)**

The Grand Jury further charges:

3. From at least on or about June 22, 2020 up to and including at least on or about July 9, 2020, in the Southern District of New York and elsewhere, ALICIA AYERS and ANDREA AYERS, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce,

writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, ALICIA AYERS, and ANDREA AYERS engaged in a scheme to obtain funds from the SBA through the SBA's EIDL Program, by means of false and fraudulent pretenses, representations, and documents, including through electronic communications transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Sections 1343 and 2.)

**COUNT THREE**

**(False Statements)**

The Grand Jury further charges:

4. From at least on or about June 22, 2020, up to and including at least on or about July 9, 2020, in the Southern District of New York and elsewhere, ALICIA AYERS and ANDREA AYERS, the defendants, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully did make a materially false, fictitious, and fraudulent statement and representation, to wit, ALICIA AYERS and ANDREA AYERS made and caused to be made false and misleading statements to the SBA regarding, among other things, the existence of businesses, their dates of opening, their numbers of employees, and their gross revenues during the 12 months prior to the COVID-19 pandemic, for the purpose of

obtaining, and assisting applicants to obtain, funds through the EIDL Program administered by the SBA.

(Title 18, United States Code, Sections 1001(a)(2) and 2.)

**COUNT FOUR**

**(Aggravated Identity Theft)**

The Grand Jury further charges:

5. From at least on or about June 22, 2020, up to and including at least on or about July 9, 2020, in the Southern District of New York and elsewhere, ALICIA AYERS and ANDREA AYERS, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, ALICIA AYERS and ANDREA AYER possessed and used the names and identities of applicants in connection with the submission of fraudulent EIDL applications to the SBA during and in relation to the conspiracy, wire fraud, and false statements charged in Counts One through Three of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), and 2(a).)

**FORFEITURE ALLEGATION**

6. As a result of committing the offenses alleged in Counts One and Two of this Indictment, ALICIA AYERS and ANDREA AYERS, the defendants, shall forfeit to the United States,

pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

7. As a result of committing the offense alleged in Count Four of this Indictment, ALICIA AYERS and ANDREA AYERS, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b), any and all property constituting, or derived from, proceeds obtained directly or indirectly as a result of said offense and any and all personal property used or intended to be used to commit said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

**Substitute Assets Provision**

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

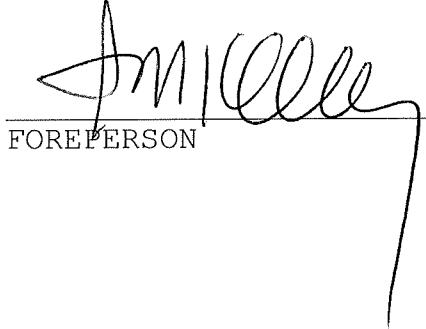
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

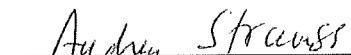
e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981, 982, 1028; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



J. Michael Cole  
FOREPERSON



Audrey Strauss  
AUDREY STRAUSS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

ALICIA AYERS, and  
ANDREA AYERS

Defendants.

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INDICTMENT

21 Cr.

(18 U.S.C. §§ 1001(a)(2), 1343, 1349,  
1028A(a)(1) and 2.)

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AUDREY STRAUSS  
United States Attorney

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Foreperson

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